

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PRESIDENT DONALD J. TRUMP, 45th President of the United States of America, in his individual capacity,
Plaintiff,

v.

SIMON & SCHUSTER, INC., a New York corporation,
ROBERT WOODWARD p.k.a. BOB WOODWARD, an individual, and PARAMOUNT GLOBAL, a Delaware corporation, f/k/a Viacom Inc., successor by merger to CBS Corporation, a Pennsylvania corporation f/k/a Westinghouse Electric Corporation,

Defendants.

1:23-cv-06883-PGG

DECLARATION OF ROBERT GARSON

ROBERT GARSON, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am over the age of 18 years and have personal knowledge of the facts stated herein.
2. I am an attorney duly authorized to practice law in the State of Florida as well as several other jurisdictions. Specifically, I have been engaged in the practice of law since 1999 and am admitted to practice in England & Wales since 1999; New York since 2010; Florida since 2022, and the District of Columbia since 2022. I am a Barrister Attorney with full active practicing certificates in all the foregoing jurisdictions.
3. I am a partner with the law firm of Garson, Segal, Steinmetz, Fladgate LLP a/k/a GS2 Law PLLC (“Firm”).
4. On October 24, 2022, our firm transmitted to the attention of Defendants’ counsel

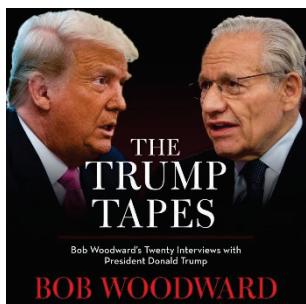
a letter providing Notice of Copyright Infringement regarding the Trump Tapes. A true and correct copy of this letter is attached hereto as **Exhibit A**.

5. On October 28, 2022, our firm received a response from counsel for the Defendants. A true and correct copy of the response letter is attached hereto as **Exhibit B**. The October 28, 2022, letter marked the first time that this firm and the named Plaintiff heard the Defendants' assertion of the "historical record."

6. On November 17, 2022, our firm sent a reply to the Defendants' counsel, a true and correct copy of which is attached hereto as **Exhibit C**.

7. Review of various websites and written materials confirms that the Defendants have not always touted *The Trump Tapes* as having anything to do with the so-called "historical record." By way of example, Simon & Schuster's website link for *The Trump Tapes*, the unabridged compact disk version, bears no reference to the "historical record." Similarly, the unabridged audio download of this work on the same website also omits any reference to the "historical record." See <https://www.simonandschuster.com/books/The-Trump-Tapes/Bob-Woodward/9781797124728>.

8. Notably, even Robert Woodward's website, bobwoodward.com, contains an image of *The Trump Tapes* that omits any reference to any "historical record":



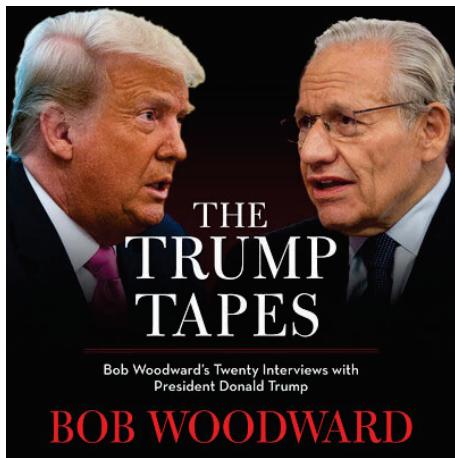
See <https://www.bobwoodward.com/>.

9. The term “historical record” does appear on bobwoodward.com as follows:

In new commentary created exclusively for THE TRUMP TAPES, Woodward at times breaks frame from the interviews to provide essential context or clarification. But for the most part the interviews proceed uninterrupted, fulfilling Woodward’s goal of presenting Trump’s voice and words for the historical record, and offering listeners the chance to hear and judge and make their own assessments.

See <https://www.bobwoodward.com/>.

10. Additionally, the following quote from Bob Woodward appears on the Simon & Schuster website as it pertains to *The Trump Tapes*, which also omits reference to any “historical record”:



The Trump Tapes

Bob Woodward's Twenty Interviews with President Donald Trump
By Bob Woodward

Read by Bob Woodward and Donald J. Trump

“I’m doing something here that I’ve never done before, presenting the lengthy, raw interviews of my work. In the fall of 2019 through August 2020, I interviewed President Trump 19 times for my second book on his presidency, *Rage*. I had also interviewed him in 2016 when he was a presidential candidate. I decided to take this unusual step of releasing these recordings after relistening in full to all 20 interviews. As I listened to them again I was stunned by their relevance to understanding Trump. Hearing Trump speak is a completely different experience to reading the transcripts or listening to

snatches of interviews on television or the internet.” —Bob Woodward from *The Trump Tapes*

See <https://www.simonandschuster.com/p/the-trump-tapes>.

11. After commencement of this matter, the Defendants served our office with versions of *The Trump Tapes*. While the item bearing ISBN#978-1-7971-2472-8 (consisting of 10CDs) is titled *The Trump Tapes: Bob Woodward’s Twenty Interviews with President Donald Trump*, the item bearing ISBN#978-1-6680-2814-8 (paperback) is titled *The Trump Tapes – The Historical Record: Bob Woodward’s Twenty Interviews with President Donald Trump*. The latter is a trade paperback edition January 2023 and expressly states that “[t]his title was previously published in 2022 in audio format.” As such, it appears that, as of January 2023, around the time of the filing of this lawsuit, the Defendants began to employ the term “historical record.”

12. Following the commencement of this lawsuit, our firm learned from the U.S. Copyright Office that Woodward sought to register the copyright to the Audiobook and the Derivative Works, as defined in the Amended Complaint. Indeed, as reflected on Amazon.com, the Audible Audiobook version of *The Trump Tapes* bears the following copyright symbol: ©2022 Bob Woodward ©2022 Simon & Schuster Audio Originals. See <https://www.amazon.com/Trump-Tapes-Woodwards-Interviews->

[President/dp/B0BJHGLLRB/ref=tmm_aud_swatch_0?encoding=UTF8&qid=&sr=](https://www.amazon.com/Trump-Tapes-Woodwards-Interviews-)

13. Our firm has submitted, on behalf of President Trump, an application for copyright registration to the Copyright Office reflecting President Trump’s sole authorship of the Interviews, Audiobook, and the Derivative Works (all as defined in the Complaint).

14. Following review of our application, the Copyright Office explained that

registration for the Plaintiff's sole authorship claim for any or all of the Interviews would require submission of the original version of the Interviews. However, neither President Trump nor our office is in the possession of the original recordings, which the Defendants possess and have not shared with the Plaintiffs to date.

15. Defendants claim in their Memorandum that the works that are the subject of this matter have been altered, but they have not presented the original raw, master recordings for reconciliation or juxtaposition.

16. President's Trump lack of access to the original audio recordings was conveyed to the Copyright Office, which has since expressed its willingness to grant copyright protection to President Trump as a joint author of the Work.

17. President Trump is now pending receipt of the copyright registration certificate reflecting President Trump's joint owner/author status.

18. That copyright registration is pending issuance and shall be filed with this Court upon receipt thereof.

19. On May 4, 2023, Paramount Global filed a Form 10-Q, a Quarterly Report Pursuant To Section 13 or 15(d) of The Securities Exchange Act of 1934, for the quarterly period ending March 31, 2023, with the United States Securities and Exchange Commission via the EDGAR database. This is also publicly available at <https://ir.paramount.com/static-files/799fc67c-9733-4d8a-b27b-3e1da2430134>. A true and correct copy of this Form 10-Q is attached hereto as

Exhibit D.

20. Additionally, although the Plaintiff has been deprived of access to the original, master recordings, cross-reference of the Interviews with the information available via the Press

Pool reports, publicly available at <https://www.presidency.ucsb.edu/people/president/donald-j-trump>, reveals the following regarding the logistics of the Interviews.

21. Thursday, March 31, 2016 - this interview took place in the **Old Post Office Pavilion Trump Hotel**.
22. Thursday, December 5, 2019 - "The author conducted an hour-and-14-minute interview with President Donald Trump in the Oval Office." There is no Press Pool Report for that day.
23. Friday, December 13, 2019 - "I interviewed Trump at the White House around 2.30 p.m. in the afternoon... The president...had time for a one-and-a-half-hour interview in the Oval Office."
24. Monday, December 30, 2019 - "I was sitting in the reception area of Mar-a-Lago waiting to interview Trump..."
25. Monday, January 20, 2020, Martin Luther King Jr. Day around 1:30 PM President Trump called Woodward there is no recording but handwritten notes. President Trump was at the White House according to the Pool Report.
26. Wednesday, January 22, 2020, after 9 p.m. President Trump called Woodward "I just got back'...from Davos, he said. 'I literally just landed.'" "Marine One touched down on the South Lawn at 6:22" according to the Pool Report.
27. Friday, February 7, 2020, at 9 p.m. "Trump called me at home." President Trump spoke at the North Carolina Opportunity Now Summit in Charlotte, NC, but "was wheels down at JBA at 4:21 p.m," according to the Pool Report.
28. Wednesday, February 19, 2020, Woodward called President Trump at 1:45 p.m., stating that the President "was on Air Force One, flying to Arizona for a rally." "Palm Springs > Bakersfield: Motorcade pulled up to AF1 at 1:36 pm. POTUS had already boarded when we climbed out" according to the Pool Report.
29. Thursday, March 19, 2020 — "President Trump called me at home the evening of ..." President Trump was at the White House, except for brief trip to FEMA HQ, 2:32 p.m. EDT – 4:09 p.m. EDT according to the Pool Report.
30. Saturday, March 28, 2020— "I reached him again by phone on Saturday morning..." "Marine 1 departed with POTUS at 12:21 [for Norfolk, Virginia... to see off the USNS Comfort as it leaves New York" according to the Pool Report.
31. Sunday, April 5, 2020, afternoon — "I reached him by phone late in the afternoon..." President Trump was at the White House all-day according to the Pool Report.
32. Monday, April 13, 2020, at 10 p.m. "I reached Trump at the White House..." President Trump was at the White House all-day according to the Pool Report.
33. Wednesday, May 6, 2020, at around 7 p.m. "I reached Trump by phone..." ..." President Trump was at the White House all-day according to the Pool Report.
34. Friday, May 22, 2020, at 9:18 p.m. "I reached President Trump by phone at the White House..." ..." President Trump was at the White House all-day according to the Pool Report.
35. Wednesday, June 3, 2020, morning "Trump returned my call..." President Trump

was at the White House all-day according to the Pool Report.

36. Friday, June 19, 2020, at 10:30 a.m. "Trump called me unexpectedly..."..." President Trump was at the White House all-day according to the Pool Report.

37. Monday, June 22, 2020, at 8:15 PM President Trump Returned Woodward's call. Woodward states that the President opens with the call with, "I just got to the White House..." President Trump was at the White House all-day according to the Pool Report.

38. Wednesday, July 8, 2020, morning "Trump called me unexpectedly before his day of meetings..." President Trump was at the White House all-day according to the Pool Report.

39. Monday, July 21, 2020 "Trump called me unexpectedly the morning of ..." President Trump was at the White House all-day according to the Pool Report.

40. Friday August 14, 2020 "The phone rang ... It was Trump." President Trump departed for New York "to visit his brother, Robert, who has been hospitalized" at 2:17 p.m.

21. On July 5, 2023, a supervisor with the Copyright Office contacted Plaintiff's counsel again, stating as follows:

Dear Mr. Garson, thank you for your reply. I'm responding on behalf of Carrie who is currently out of the office. It's not clear whether you are asserting that The Trump Tapes is a joint work. If you assert that it is not a joint work, that Mr. Trump is the sole author and claimant of his contributions, and that the Simon & Schuster publication was unauthorized, please verify this. **In this case, as we explained previously, you must submit an authorized, bona fide copy of work Mr. Trump created. We cannot register on this basis without a bona fide copy.**

Thus, the Copyright Office effectively determined Plaintiff's copyright deposit to be invalid, and refused registration based on sole authorship, notifying the Plaintiff's counsel of the same.

22. On September 1, 2023, Laura Lee Fischer, Chief of the Performing Arts Division of the Office of Registration Policy and Practice within the US Copyright Office confirmed to the undersigned counsel via e-mail correspondence that the Copyright Office is ready to proceed with registering *The Trump Tapes* as a joint work. Ms. Fischer did not rescind the prior notice of rejection regarding registration of *The Trump Tapes* based on the sole authorship of President Trump.

I hereby certify, under the penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.



Robert Garson
Executed on this 1st day of September, 2023.